

REMARKS

The applicant appreciates the Examiner's thorough examination of the application and requests reexamination and reconsideration of the application in view of the following remarks.

The Examiner rejects claims 12-14 and 16-24 under 35 USC §103(a) as being unpatentable over U.S. Patent No. 4,794,575 to *Miller* in view of U.S. Patent No. 3,258,595 to *Galante*, Japanese Publication 06-141211 to *Sosoya*, and U.S. Patent No. 6,532,037 to *Shimura*. The Examiner also rejects claim 15 under 35 USC §103(a) as being unpatentable over *Miller* in view of *Galante*, *Sosoya*, *Shimura* and U.S. Patent No. 5,973,733 to *Gove*.

The Examiner states that *Miller* discloses a buoy system comprising a buoy including a lengthy hull with a ballast portion of the hull which resides below the waterline and a top portion of the hull which is disposed above the waterline, a work station remote from the hull, and a transmission cable interconnecting the optical bench and the work station. The Examiner further states *Miller* fails to disclose a photonic buoy which incorporates a camera system, but that *Galante* discloses such a photonic buoy and camera system and that it would have been obvious to one having ordinary skill in the art to modify *Miller* by providing the photonic system of *Galante*. The Examiner also states that it would be obvious to combine the optical bench of *Sosoya* and the image stabilization circuitry of *Shimura* into *Miller*.

Identification in the prior art of each individual part claimed is insufficient to defeat patentability of the whole claimed invention. Rather, to establish obviousness based on a combination of the elements disclosed in the prior art, there must be some motivation, suggestion or teaching of the desirability of making the specific combination that was made by the applicant. In re Kotzab, 217 F. 3d 1365, 1370, 55 USPQ 2d 1313, 1316 (Fed. Cir. 2000).

The law is further clear that the teaching of the desirability of combining the references must not come from the applicant's invention. "There must be a reason or suggestion in the art for selecting the procedure used, *other* than the knowledge learned from the applicants' disclosure." See In re Dow Chemical Company, 837 F. 2d 469, 473, 5 USPQ 2d 1529, 1532 (Fed. Cir. 1989) (with emphasis added).

Additionally, the Examiner can satisfy the burden of showing obviousness of the combination *only* by showing some *objective teaching* in the prior art or that knowledge generally available to one of ordinary skill in the art would lead that individual to combine the relevant teachings of the references. In re Sang Su Lee, 277 F. 3d 1338, 61 USPQ 2d 1430, 1433-44 (Fed. Cir. 2002).

Miller is directed to a device for determining real-time, ocean surface, sea-state conditions. The sea-state conditions are determined by an instrument package 12 which includes a power module, a signal conditioner module, a transmitter module, and a sensor module. The sensor module consists of an accelerometer for sensing vertical wave motion. See Col. 1, lines 13-17 and Col. 6, lines 4-40 of *Miller*.

Nowhere does *Miller* teach or suggest the desirability of modifying *Miller* to include a camera system and image stabilization circuitry as claimed by the applicant. *Miller* is directed only to determining ocean-surface, sea-state conditions, which is accomplished by the accelerometer of *Miller*. Incorporating a camera system would not further the objectives of the *Miller* device.

Accordingly, one skilled in the art would not be motivated to modify *Miller* to include the teachings of the additionally cited references. Therefore, as there is no motivation, teaching

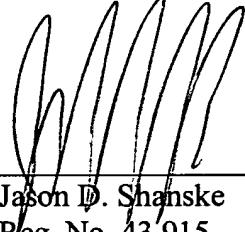
or suggestion for such a combination of references, the claims are patentable over the cited references.

CONCLUSION

Each of the Examiner's rejections has been addressed or traversed. It is respectfully submitted that the application is in condition for allowance. Early and favorable action is respectfully requested.

If for any reason this Response is found to be incomplete, or if at any time it appears that a telephone conference with counsel would help advance prosecution, please telephone the undersigned or his associates, collect in Waltham, Massachusetts at (781) 890-5678.

Respectfully submitted,



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JDS/ok